

19

Plaintiff's Motion. Motion02.  
 Motion to Amend Motion01 (Motion to Limit Discovery).

Vyletel v UofM-Dearborn

# UNITED STATES DISTRICT COURT

for the  
 Eastern District of Michigan  
 Southern Division

Matthew P. Vyletel

*Plaintiff*

-v-

University of Michigan – Dearborn

*Defendant(s)*

)  
 ) Case No. 2:22-cv-12744  
 )  
 )

) Jury Trial (*check one*): ☒ Yes ☐ No  
 )

) Judge: Hon. Sean F. Cox  
 )

) MJ: Hon. Elizabeth A. Stafford  
 )

Signature:  xx

RECD USDC - CLRK DET  
 2022 NOV 21 PM 3:13  
 VIA M. VYLETEL

Date: NOV 21 2022

Plaintiff's Motion. Motion02.

Motion to Amend Motion01 (Motion to Limit Discovery).

Vyletel v UofM-Dearborn

## I. THE PARTIES TO THIS MOTION

### A. The Plaintiff(s)

#### 1. Plaintiff #1 - Primary

Name	Matthew P. Vyletel
Street Address	2417 Bunker Hill Rd
City and County	Ann Arbor, Washtenaw
State and Zip	MI, 48105
Telephone #	(734)660-6948
E-mail Address	vyletel.matt@gmail.com

#### 2. Plaintiff #1 - Secondary

Name	Matthew P. Vyletel
Street Address	3855 Green Brier Blvd (327A)
City and County	Ann Arbor, Washtenaw
State and Zip	MI, 48105
Telephone #	(734)660-6948
E-mail Address	vyletel.matt.legalrelated@gmail.com

### B. The Defendant(s)

#### 1. Defendant #1 - Primary

Name	University of Michigan - Dearborn
Street Address	4901 Evergreen Rd.
City and County	Dearborn, Wayne
State and Zip	MI 48128
Attn:	
Telephone #	
Email	

## II. CONCURRENCE – E.D. MICH. LR7.1

I emailed the attorney of record for the UofM, David Masson, who has responded in the past in regards to the concurrence of the 1<sup>st</sup> motion of Vyletel v UMD. He has not responded.

Plaintiff's Motion. Motion02.

Motion to Amend Motion01 (Motion to Limit Discovery).

Vyletel v UofM-Dearborn

---

### **III. MOTION**

1. Plaintiff incorporates by reference *Motion01. Motion to Limit Discovery.*
2. Motion to amend *Motion01. Motion to Limit Discovery.*
3. The concurrence statement will be added pursuant E.D. Mich. LR7.1.

The concurrence statement will read,

“I emailed the attorney of record for the UofM, David Masson, who has responded in regards to this motion. He indicated opposition.”

4. There is also a correction to the conversation explanation.

### **IV. RELIEF**

5. Permit submission of amended motion.

## BRIEF

6. Plaintiff incorporates by reference the previous information documented in *Motion 01. Motion to Limit Discovery* and the *Amended Complaint*.
7. To satisfy E.D. Mich. LR7.1, upon approval, the concurrence statement will be added to *Motion 01. Motion to Limit Discovery*.
8. An error in conversation replication has been addressed in the *Amended Complaint*. That error needs to be corrected in Motion01 and has been in the amended motion.

---

---

CERTIFICATE OF SERVICE

\*\*\*

I certify that on this date the *Motion02. Motion to Amended Motion01* document was sent to the following address to be served on;

University of Michigan - Dearborn  
4901 Evergreen Rd, Dearborn, MI 48128

via the following method: U.S. Postal Mail.



---

Matthew P. Vyletel

VIA M. VYLETEL

Date Sent: NOV 21 2022

Plaintiff's Motion. Motion01. Amended.  
Motion to Limit Discovery

---

UNITED STATES DISTRICT COURT

for the  
Eastern District of Michigan  
Southern Division

Matthew P. Vyletel

*Plaintiff*

-v-

University of Michigan – Dearborn

*Defendant(s)*

)  
) Case No. 2:22-cv-12744  
)  
)

) Jury Trial (*check one*): ☒ Yes ☐ No  
)

) Judge: Hon. Sean F. Cox  
)

) MJ: Hon. Elizabeth A. Stafford  
)

Signature:  xx

VIA M. VYLETEL

Date: NOV 21 2022

**I. THE PARTIES TO THIS MOTION****A. The Plaintiff(s)****1. Plaintiff #1 - Primary**

Name	Matthew P. Vyletel
Street Address	2417 Bunker Hill Rd
City and County	Ann Arbor, Washtenaw
State and Zip	MI, 48105
Telephone #	(734)660-6948
E-mail Address	vyletel.matt@gmail.com

**2. Plaintiff #1 - Secondary**

Name	Matthew P. Vyletel
Street Address	3855 Green Brier Blvd (327A)
City and County	Ann Arbor, Washtenaw
State and Zip	MI, 48105
Telephone #	(734)660-6948
E-mail Address	vyletel.matt.legalrelated@gmail.com

**B. The Defendant(s)****1. Defendant #1 - Primary**

Name	University of Michigan - Dearborn
Street Address	4901 Evergreen Rd.
City and County	Dearborn, Wayne
State and Zip	MI 48128
Attn	
Telephone #	
Email	

**II. CONCURRENCE – E.D. MICH. LR7.1**

I emailed the attorney of record for the UofM, David Masson, who has responded in regards to this motion. He indicated opposition.

Plaintiff's Motion. Motion01. Amended.  
Motion to Limit Discovery

---

## CERTIFICATE OF GOOD FAITH EFFORT

\*\*\*

I certify that I, Matthew P. Vyletel, in good faith attempted to confer with members of the defendant in attempt to eliminate the ban enacted against me which would have resolved the dispute without court action.



Matthew P. Vyletel

VIA M. VYLETEL

Date: NOV 21 2022



### III. MOTION

1. Plaintiff incorporates by reference the *Complaint* and the *Exhibits of the Complaint*.

Motion to limit UofM-Dearborn's discovery to documents in-hand as via protective order permitted by Fed. R. Civ.26(c).

Matthew P. Vyletel, movant & plaintiff, has attempted to resolve the dispute without court action. This effort is shown in EXHIBIT #05 of the *Exhibits of the Complaint* (also easily seen in EXHIBIT #08 of the *Exhibits of the Complaint*, email 1.03 & email 1.05). I bring up that I have not been given an explanation in attempt to start the conversation. The UMD has all it needs for any defense or claim, in-hand, indicated by their unlawful actions on 11/08/19 and beyond.

### IV. RELIEF

2. UofM-Dearborn will not be permitted to request discovery from the Plaintiff, in any form, via protective order on the grounds of Fed. R. Civ.26(c).

## BRIEF

3. Plaintiff incorporates by reference the previous information documented in the *Complaint* and the *Exhibits of the Complaint*.
4. Fed. R. Civ.26(b) defines discovery scope and limits as any non-privileged matter that is *relevant to a party's claim or defense*.
5. Fed. R. Civ.26(c) outlines grounds for protective orders which are satisfied by effort, via email (found in the *Exhibits of the Complaint* EXHIBIT #08, email 1.05. Original email is in the *Exhibits of the Complaint* EXHIBIT #05), to talk about the suspension in attempt to have it reversed and avoid legal action. I ask Eric to provide a reason for the ban in efforts to eliminate it.
6. The issue at hand here is the UofM's defense. I've provided documents that clearly indicates conspiracy and act in furtherance. No amount of discovery will change the evidence in those documents.
7. There is no issue of claim due to the fact that conspiracy against rights is unlawful under any condition. No claim they make is relevant.
8. Therefore, I have nothing relevant to their defense or any relevant claim. Requesting documents or discovery from me is a waste of time and harassment.

Plaintiff's Motion. Motion01. Amended.  
Motion to Limit Discovery

---

### TABLE OF DOCUMENTS

DOCUMENT	DESCRIPTION
01	Fed. R. Civ. Rule26(c)
02	EXHIBIT #05: Email01-Eric, Shawn, and Professor
03	EXHIBIT #08: EXHIBIT #05 Organized to Display Conversation

FEDERAL RULES OF CIVIL PROCEDURE

Rule 26(c)

(c) PROTECTIVE ORDERS

(1) *In General.* A party or any person from whom discovery is sought may move for a protective order in the court where the action is pending—or as an alternative on matters relating to a deposition, in the court for the district where the deposition will be taken. The motion must include a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action. The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

- (A) forbidding the disclosure or discovery;
- (B) specifying terms, including time and place or the allocation of expenses, for the disclosure or discovery;
- (C) prescribing a discovery method other than the one selected by the party seeking discovery;
- (D) forbidding inquiry into certain matters, or limiting the scope of disclosure or discovery to certain matters;
- (E) designating the persons who may be present while the discovery is conducted;
- (F) requiring that a deposition be sealed and opened only on court order;
- (G) requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way; and
- (H) requiring that the parties simultaneously file specified documents or information in sealed envelopes, to be opened as the court directs.

(2) *Ordering Discovery.* If a motion for a protective order is wholly or partly denied, the court may, on just terms, order that any party or person provide or permit discovery.

(3) *Awarding Expenses.* Rule 37(a)(5) applies to the award of expenses.

Exhibits of the Complaint

---

**EXHIBIT #05: Email 01-Eric, Shawn, and Professor**

PLEASE SEE NEXT PAGE

9/1/22, 4:09 PM

University of Michigan Mail - MSEL suspension

UNIVERSITY OF  
MICHIGAN

Matt Vyletel &lt;mvyletel@umich.edu&gt;

**MSEL suspension**

14 messages

**Shawn Simone** <shawsim@umich.edu>

Fri, Nov 8, 2019 at 8:42 AM

To: "M. Vyl." &lt;mvyletel@umich.edu&gt;

Cc: Kyoung Hyun Kwak &lt;khkwak@umich.edu&gt;, Eric Kirk &lt;erk@umich.edu&gt;

Hello Matt,

I have removed your teammates from this email as the following information is sensitive. I have also cc' d Professor Kwak and Eric Kirk, Director of Facilities and Laboratory Safety, as this pertains to your instructional courses and their completion.

Back on March 1st of this year, you were suspended from the IAVS high bay and team areas as well as the MSEL and its equipment. As of today that suspension is still in effect. However, because of your course requirements and the possible need to use the 3D printers, we need to make sure that you are able to use them to meet those course requirements. In order to do this, I will need you to make an appointment with me, if you are the one planning on running the 3D printers. If one of your group mates are assigned the task of 3D printing, they will only need to follow the outline in a previous email.

Shawn



Shawn Simone  
Asst. Director, Manufacturing Systems and Engineering Lab  
184 MSEL  
4901 Evergreen Dearborn MI 48128  
Tele # 313-593-5005  
shawsim@umich.edu

**Matt Vyletel** <mvyletel@umich.edu>

Fri, Nov 8, 2019 at 9:56 AM

To: Shawn Simone &lt;shawsim@umich.edu&gt;

Cc: Eric Kirk &lt;erk@umich.edu&gt;, Kyoung Hyun Kwak &lt;khkwak@umich.edu&gt;

That was FSAE work related and does not apply to class work.

[Quoted text hidden]

--  
Best regards,  
Matt Vyletel

CONFIDENTIALITY NOTICE: This communication is intended only for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, proprietary or otherwise legally exempt from disclosure as applicable by law. Distribution, dissemination, or copying of this communication by anyone other than the intended recipient or agent responsible for delivery of this communication is strictly prohibited. If you have received this communication in error, please notify Matt Vyletel immediately at mvyletel@umich.edu and permanently delete the original electronic message. Thank you

**Matt Vyletel** <mvyletel@umich.edu>

Fri, Nov 8, 2019 at 9:58 AM

To: Shawn Simone &lt;shawsim@umich.edu&gt;

And I still haven't been given a reason for that "suspension".

[Quoted text hidden]

9/1/22, 4:09 PM

University of Michigan Mail - MSEL suspension

Fri, Nov 8, 2019 at 9:58 AM

**Eric Kirk** <erk@umich.edu>

To: Matt Vyletel &lt;mvyletel@umich.edu&gt;

Cc: Shawn Simone &lt;shawsim@umich.edu&gt;, Kyoung Hyun Kwak &lt;khkwak@umich.edu&gt;

Matt,

I am sorry this does apply.

Please, follow all the requirements stated in this email.

Regards,

Eric

[Quoted text hidden]

**Eric R. Kirk | CECS Director of Facilities and Laboratory Safety**

College of Engineering and Computer Science

2182 HPEC | 4901 Evergreen Road | Dearborn, MI 48128

313-593-5081 phone | 313-593-9967 fax

erk@umich.edu | umdearborn.edu/cecs

---

**Matt Vyletel** <mvyletel@umich.edu>

Fri, Nov 8, 2019 at 9:59 AM

To: Shawn Simone &lt;shawsim@umich.edu&gt;

Cc: Eric Kirk &lt;erk@umich.edu&gt;, Kyoung Hyun Kwak &lt;khkwak@umich.edu&gt;

**And I still have been given a reason for that "suspension". Please explain.**

On Fri, Nov 8, 2019 at 08:43 Shawn Simone &lt;shawsim@umich.edu&gt; wrote:

[Quoted text hidden]

[Quoted text hidden]

---

**Matt Vyletel** <mvyletel@umich.edu>

Fri, Nov 8, 2019 at 9:59 AM

To: Eric Kirk &lt;erk@umich.edu&gt;

Cc: Kyoung Hyun Kwak &lt;khkwak@umich.edu&gt;, Shawn Simone &lt;shawsim@umich.edu&gt;

No.

[Quoted text hidden]

---

**Eric Kirk** <erk@umich.edu>

Fri, Nov 8, 2019 at 10:01 AM

To: Matt Vyletel &lt;mvyletel@umich.edu&gt;

Cc: Kyoung Hyun Kwak &lt;khkwak@umich.edu&gt;, Shawn Simone &lt;shawsim@umich.edu&gt;

Matt,

**This has been stated several times and will not go back in forth by email on reasons why.****Follow what has been stated.**

Eric

[Quoted text hidden]

---

**Matt Vyletel** <mvyletel@umich.edu>

Fri, Nov 8, 2019 at 10:05 AM

To: Eric Kirk &lt;erk@umich.edu&gt;

Cc: Kyoung Hyun Kwak &lt;khkwak@umich.edu&gt;, Shawn Simone &lt;shawsim@umich.edu&gt;

No. I'm a student at this university. I will take advantage of the access that is involved with that.

[Quoted text hidden]

9/1/22, 4:09 PM

University of Michigan Mail - MSEL suspension

**Kyoung Hyun Kwak** <khkwak@umich.edu>  
To: Matt Vyletel <mvyletel@umich.edu>  
Cc: Eric Kirk <erk@umich.edu>, Shawn Simone <shawsim@umich.edu>

Fri, Nov 8, 2019 at 11:52 AM

Matt,

Go with 3d printer route. Make an appointment with Shawn and build your parts. FDM part should be cheapest. SLA part need resin which is expensive compared to PLA filament. If you scale the airfoil down under 6 inches and lay the airfoil flat, you probably need at least 1L of resin solution which costs close to \$50 (not sure about the exact type of resin used for the printer in the lab but this estimation is based on Amazon search for general 405nm uv curing 3d printer resin) Apparently, this is the only feasible option that we can offer to you.

Thank you  
Kyoung Hyun Kwak

[Quoted text hidden]

---

**Matt Vyletel** <mvyletel@umich.edu>  
To: Kyoung Hyun Kwak <khkwak@umich.edu>  
Cc: Eric Kirk <erk@umich.edu>, Shawn Simone <shawsim@umich.edu>

Fri, Nov 8, 2019 at 11:54 AM

No. It is not a valid engineering solution.

[Quoted text hidden]

---

**Kyoung Hyun Kwak** <khkwak@umich.edu>  
To: Matt Vyletel <mvyletel@umich.edu>  
Cc: Eric Kirk <erk@umich.edu>, Shawn Simone <shawsim@umich.edu>

Fri, Nov 8, 2019 at 12:00 PM

What is engineering? Engineering is designing, building something based on scientific principles. Designing and building process includes assessing feasibility of the plan. That is where optimization in. Apparently in the cost function, there is a big constraint on available time and resources for you. It is a valid engineering solution considering all the constraints.

[Quoted text hidden]

---

**Matt Vyletel** <mvyletel@umich.edu>  
To: Kyoung Hyun Kwak <khkwak@umich.edu>  
Cc: Eric Kirk <erk@umich.edu>, Shawn Simone <shawsim@umich.edu>

Fri, Nov 8, 2019 at 12:08 PM

Professor,  
Thank you for your input. This isn't a debate. The airfoil will be machined out of Aluminum.

[Quoted text hidden]

---

**Kyoung Hyun Kwak** <khkwak@umich.edu>  
To: Matt Vyletel <mvyletel@umich.edu>  
Cc: Eric Kirk <erk@umich.edu>, Shawn Simone <shawsim@umich.edu>

Fri, Nov 8, 2019 at 12:11 PM

I am sorry but that is not what we can offer.  
If you don't change mind I must let other teammates to go with 3D printed part without you. They cannot just sit and wait forever.

[Quoted text hidden]

---

**Matt Vyletel** <mvyletel@umich.edu>  
To: Matt Vyletel <vyletel.matt@gmail.com>

Thu, Nov 14, 2019 at 12:43 PM

[Quoted text hidden]



**EXHIBIT #08: Exhibit #05 Organized to Display Conversation**

PLEASE SEE NEXT PAGE

## Exhibits of the Complaint

## Email 1 Conversation Progression

Matt Vyletel (UMD student)	Eric Kirk (UMD Staff)	Shawn Simone (UMD Staff)	Kyoung Hyun Kwak (UMD Faculty)
**			
	<p>Hello Matt,</p> <p>I have removed your teammates from this email as the following information is sensitive. I have also cc' d Professor Kwak and Eric Kirk, Director of Facilities and Laboratory Safety, as this pertains to your instructional courses and their completion. Back on March 1st of this year, you were suspended from the IAVS high bay and team areas as well as the MSEL and its equipment, As of today that suspension is still in effect. However, because of your course requirements and the possible need to use the 3D printers, we need to make sure that you are able to use them to meet those course requirements. In order to do this, I will need you to make an appointment with me, if you are the one planning on running the 3D printers. If one of your group mates are assigned the task of 3D printing, they will only need to follow the outline in a previous email.</p> <p>Shawn</p>		<p>Shawn (1.01) Fri, 11/8/19 at 8:42 AM</p>
Matt(1.02) 11/8/19 at 9:56 AM	<p>That was FSAE work related and does not apply to class work. [Quoted text hidden] -- Best regards, Matt Vyletel</p>		
Matt(1.03) 11/8/19 at 9:58 AM	<p>And I still haven't been given a reason for that "suspension". [Quoted text hidden]</p>		
	<p>Matt, I am sorry this does apply. Please, follow all the requirements stated in this email. Regards, Eric</p>		<p>Eric(1.04) 11/8/19 at 9:58 AM</p>
Matt(1.05) 11/8/19 at 9:59 AM	<p>And I still have been given a reason for that "suspension". Please explain.</p>		
Matt(1.06) 11/8/19 at 9:59 AM	<p>No.</p>		
	<p>Matt, This has been stated several times and will not go back in forth by email on reasons why. Follow what has been stated. Eric</p>		<p>Eric(1.07) 11/8/19 at 10:01 AM</p>

## Exhibits of the Complaint

## Email 1 Conversation Progression

<b>Matt Vyletel</b> (UMD student)	<b>Eric Kirk</b> (UMD Staff)	<b>Shawn Simone</b> (UMD Staff)	<b>Kyoung Hyun Kwak</b> (UMD Faculty)
--------------------------------------	---------------------------------	------------------------------------	--

\*\*

<b>Matt(1.08)</b> 11/8/19 at 10:05 AM	No. I'm a student at this university. I will take advantage of the access that is involved with that. [Quoted text hidden]	
	<b>Matt,</b> Go with 3d printer route. Make an appointment with Shawn and build your parts. FDM part should be cheapest. SLA part need resin which is expensive compared to PLA filament. If you scale the airfoil down under 6inches and lay the airfoil flat, you probably need at least 1L of resin solution which costs close to \$50 (not sure about the exact type of resin used for the printer in the lab but this estimation is based on Amazon search for general 405nm uv curing 3d printer resin) Apparently, this is the only feasible option that we can offer to you. Thank you Kyoung Hyun Kwak	<b>Kyoung(1.09)</b> 11/8/19 at 11:52 AM
<b>Matt(1.10)</b> 11/8/19 at 11:54 AM	No. It is not a valid engineering solution	
	<b>What is engineering? Engineering is designing, building something based on scientific principles. Designing and building process includes assessing feasibility of the plan. That is where optimization in. Apparently in the cost function, there is a big constraint on available time and resources for you. It is a valid engineering solution considering all the constraints.</b>	<b>Kyoung(1.11)</b> 11/8/19 at 12:00 PM
<b>Matt(1.12)</b> 11/8/19 at 12:04 PM	<b>Professor,</b> Thank you for your input. This isn't a debate. The airfoil will be machined out of Aluminum.	
	<b>I am sorry but that is not what we can offer.</b> <b>If you don't change mind I must let other teammates to go with 3D printed part without you. They cannot just sit and wait forever.</b>	<b>Kyoung(1.13)</b> 11/8/19 at 12:11 PM